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SEC. 7. No practitioner of medicine, surgery, dentistry, or veterinary medicine shall dispense, furnish, or give away opium, morphine, heorin, codeine, cannabis indica, cannabis sativa, or any salt compound of said substances or any preparation containing any of the said substances or their salts or compounds, or cocaine or it's salts or alpha or beta eucaine or their salts or any synthetic substitute for them, or any preparation containing the same or any salt or compound thereof except in good faith as medicines for diseases indicated; and the aforesaid practitioners shall keep a record in a book kept solely for that purpose of the name and address of the patient treated, the name of the disease indicated, and the quantity of the drug dispensed, furnished, or given away on each separate occasion, which record shall be made within 48 hours of the dispensing, furnishing, or giving away and shall be preserved for at least two years, and shall at all times be open to inspection by members of the State board of health, members of the State board of pharmacy or their authorized agents, by State officials or their authorized agents, or by the police authorities or officers of cities and towns. But no practitioner of medicine, surgery, or dentistry shall dispense or prescribe, except for his own professional use, more than 4 grains of morphine, cocaine, heorin, opium, or any other hypnotic or narcotic drug, their salts, compounds, or any preparation of the same, unless it be for a chronic, incurable, or malignant disease.

SEC. 8. A person who violates a provision of the foregoing sections, or aids or abets another in the violation thereof, shall be fined not more than \$1,000 nor less than \$50, or be imprisoned not more than one year, or both. Judges of the municipal and police courts and trial justices shall have original and concurrent jurisdiction with the superior and supreme courts of offenses under this act.

SEC. 9. The director of the Maine Agricultural Experiment Station shall make a chemical analysis to determine the composition and quality of any substance mentioned in this act on application of the county attorney of any county of Maine, and shall furnish a certificate certifying to the composition or quality thereof. The certificate, under seal of the Maine Agricultural Experiment Station, which shall be fixed by the chemist thereof making the analysis, shall be prima facie evidence of the composition and quality of the substance analyzed.

## PENNSYLVANIA.

### Tenement Houses in Cities of the First Class—Division of Housing and Sanitation. (Act 428, July 22, 1913.)

SECTION 1. *Be it enacted, etc.,* That there shall be in cities of the first class a division of housing and sanitation attached to the department of public health and charities, which division, and all its officers and employees, shall be under the supervision and control of the director of the department of public health and charities, and shall, under said department, have jurisdiction over all matters coming within the provisions of this act, and all laws, ordinances, and the rules and regulations of the board of health, in any way affecting or regulating the use, occupancy, sanitation, or maintenance of all buildings, the grounds surrounding same, and all vacant lands mentioned in this act.

SEC. 2. *Organization.*—There shall be a chief of the said division, to be known as the chief of the division of housing and sanitation, who shall receive a compensation of not less than \$3,500 a year; and assistant chief, and not less than four supervising inspectors, all of whom shall be qualified by training or experience for the duties of their respective positions; and there shall be not less than one hundred other inspectors. There shall be, in addition, a statistician, and such clerks, stenographers, and typewriters, messengers and other employees, as the director of the department of public health and charities shall deem necessary, subject to the approval of city councils. None of the foregoing officers or employees shall be engaged in any other business. The city councils, with the approval of the mayor, shall fix their respective salaries.

**SEC. 3. Duties of officers.**—The chief of the division of housing and sanitation shall have the management and direction of all matters coming within the jurisdiction of and pertaining to the division of housing and sanitation. He shall provide and arrange for the inspection of all properties within the city coming under the provisions of this act. He shall keep on file suitable records of such inspection, together with all permits and orders issued pursuant to this act, all of which shall be open to public inspection during business hours.

The director of the department of public health and charities shall have the power to amend, revise, or revoke any action taken by the chief of said division in the exercise of the discretionary power vested in him by any of the provisions of this act.

The assistant chief shall assist in the management and control of all matters pertaining to the division of housing and sanitation, and in case of the absence or disability of the chief he shall exercise all the powers of the chief of the division of housing and sanitation.

The supervisors and other inspectors shall, under the direction of their superior officers, inspect all properties within the city as often and at such times as the need shall require, and shall make adequate records and reports of the same, and shall perform such other duties as may properly come within the scope of said division.

**SEC. 4. General provisions—Definitions.**—Whenever in this act the “present tense” is used, it shall be taken to include the future tense. Wherever in this act the “masculine gender” is used, it shall be taken to include the feminine and neuter genders. Wherever in this act the “singular number” is used, it shall be taken to include the plural. Wherever in this act the word “shall” is used, it is to be taken to be mandatory and not directory.

The word “person,” when used in this act, shall be taken to include any association, partnership, or corporation, as well as a natural person.

Wherever in this act the word “converted” is used, it shall be interpreted to mean either a change in the character of occupancy or in construction.

(2) *Full meaning of terms used.*—Wherever in this act the words “ordinances,” “regulations,” “bureau of building inspection,” “department” or “board,” or “bureau of health” occur, they shall be construed as if followed by the words “in cities of the first class.”

Wherever in this act the words “is occupied” are used, applying to any building, such words shall be construed as if followed by the words “or is intended, arranged, or designed to be occupied.”

Wherever in this act the words “satisfactory” or “approved” are used, they shall be construed as if followed by the words “to” or “by the chief of the division of housing and sanitation.”

(3) *A tenement.*—The term “tenement” shall mean any house or building which, or a portion of which, is occupied as a residence by three or more families, living independently of each other, and doing their cooking on the premises, and having a common right in the halls, stairways, yard, cellar, or water-closets thereof, or some of them; or by two or more families occupying apartments above the first floor, living independently of each other, and having a common right in the halls, stairways, yard, cellar, or water-closets thereof, or some of them.

(4) *A dwelling.*—The term “dwelling” shall mean any house or building not a lodging house within the terms of the act of assembly of July 2, 1895 (Pamphlet Laws, 428). “An act entitled an act to regulate and license public lodging houses in different cities of this Commonwealth,” and not a tenement, rooming house, or inn, all or any part of which is occupied as the home or residence of a family, or of two or more families living independently of each other, and having no common right or use in any hall, stairway, cellar, water-closet, or privy; and whether such house is built singly, or as part of a double house, or in conjunction with others in an attached or semidetached row, it shall be deemed a dwelling.

(5) *A two-family dwelling*.—A “two-family dwelling” is any house not a tenement, dwelling, rooming house, or inn, and which is occupied by two families, who use a common entrance or hallway.

(6) *A rooming house*.—The term “rooming house” shall mean and include any house or building, or portion thereof, not a lodging house within the terms of the act of assembly of July 2, 1895 (Pamphlet Laws, 428), “An act entitled an act to regulate and license public lodging houses in different cities in this Commonwealth,” and not a tenement or an inn, and in which persons, either as single individuals or as families, are harbored or received, housed or lodged, for hire or otherwise, for a single day or night or longer periods; provided this shall not include a dwelling where less than 5 persons are so received and lodged, or where 50 per cent or more of the rooms used for sleeping are used solely by the members of the immediate family owning or leasing and occupying the house, and by the domestic servants of such family.

*Apartment*.—The term “apartment” shall mean a room, or suite of two or more rooms, which is or are occupied as a home for one or more persons.

(7) *Grades of buildings*.—For the purpose of this act all buildings herein referred to shall be graded according to their use or occupancy. Buildings of the highest or first grade shall include all dwellings, as hereinbefore defined; buildings of the second grade shall include all 2-family dwellings, as hereinbefore defined; buildings of the third and lowest grade shall include all rooming houses and tenements, as hereinbefore defined.

(8) *A living room*.—A “living room,” or a room used for “living” purposes, is any room, not a water-closet, bathroom, or other room used solely for storage or closet purposes, and which is used, in whole or in part, for any household purposes.

(9) *A yard*.—A “yard” is an open, unoccupied space on the same lot with a tenement, rooming house, or dwelling, and which space extends in its full width or depth between opposite lot lines.

(10) *A court*.—A “court” is any open, unoccupied space, other than a yard, on the same lot with a tenement, rooming house, or dwelling.

(11) *A sewer*.—A “sewer” is a public sewer, or a private sewer tributary thereto, and accepted by the bureau of surveys.

(12) *A school sink*.—A “school sink” is any vault or box used, or designated to be used, to receive urine and fecal matter which is washed to the sewer by means of a steady or intermittent flow of water.

(13) *An entrance hall*.—An “entrance hall” is a public hall on the first story, admission to which is made from the street or yard, court, or alley.

(14) *A public hall*.—A “public hall” is a hall, corridor, or passageway not within an apartment.

(15) *A stair hall*.—A “stair hall” includes the stairs, stair landings, and the portion of any hall through which it is necessary to pass in going between the entrance floor and the roof.

(16) *A basement*.—A “basement” is a story partly but not more than one-half below the level of the ground surrounding the building, and shall be considered the first story of such building.

(17) *A cellar*.—A “cellar” is a story more than one-half below the level of the ground surrounding the building.

SEC. 5. *Approving plans*.—All plans for the erection, construction, or alteration of buildings of the grades referred to in this act, or for the alteration of houses already erected, or other buildings intended for occupancy for any other grade; and all plans for the installation or alteration of heating or ventilating apparatus, lighting system, plumbing, fixtures, cesspools, sinks, or privy wells, besides being submitted to the bureaus now charged with approval of the same, shall be submitted to the chief of the division of housing and sanitation, for his approval of said plans and of the sanitary conditions surrounding the ground over which the proposed building is to be erected;

and until such approval is obtained and indorsed on such plans the work of construction or alteration shall not be begun.

SEC. 6. *Light and ventilation—Per cent of lot to be occupied.*—No building shall be occupied as a tenement unless it shall have appurtenant to it in the rear or at the side and as part of the lot upon which it is located, an open space equal to at least 20 per cent of the entire area of such lot, which open space shall be unobstructed by any overhanging structure except fire escapes required by law; unless, however, such tenement shall be located upon a corner of two streets, neither of which is less than 20 feet in width, in which case said tenement shall have an open space attached to it in the rear or at the side next the adjoining lot, equal in area to at least 10 per cent of the entire area of the lot upon which said tenement is located, which open space shall be unobstructed by any overhanging structure except fire escapes required by law; and any such tenement located upon a lot bounded on three sides by streets, none of which is less than 20 feet in width, may cover the entire area of said lot: *Provided*, That at least one window, not less than the minimum size hereinafter provided, opening from each of the rooms in such tenement, shall open upon one of the streets. Such open space attached to every tenement shall be at least 8 feet in width throughout its entire length.

No court or open space between tenements, or between wings of a tenement, shall be of a less width than 12 feet, except in buildings erected prior to June 7, 1895, and which are not over three stories in height, where the open space between the walls of the wings of tenements there shall be an open space not less than 5 feet in width, providing the length of such wing or wings is not more than 30 feet, and, for each additional 10 feet in length, there shall be an additional foot in width, provided there is in the rear or at the side of the lot upon which the building is erected an open space equal to at least 20 per cent of the entire lot area, which open space shall be unobstructed by any overhanging structure except fire escapes required by law. If such tenement is situated on a lot which is bounded upon two opposite sides by streets, then at least one end of every such open space shall abut upon one of such streets. Every court or shaft furnishing light or air to any such tenement shall open, upon one side, into a street, or into a yard or open space, except such shafts as are used solely for ventilation of water-closets or bathrooms, which, for the purpose of cleaning same, shall have a door or window giving sufficient access for such purpose on the ground floor leading thereto. Buildings erected as tenements, or physically altered into tenements, prior to June 7, 1895, shall be exempt from the provisions of this section governing the percentage of the lot occupied, the width between wings, and the width of court; and such other buildings shall likewise be exempt as have been listed on the records of the departments of public health and charities, and consecutively occupied as tenements prior to January 1, 1914.

SEC. 7. *Alteration of building and open areas.*—No yard, court, or open area appurtenant to any building of the grades referred to in this act shall be reduced, through the erection or alteration of any kind of building on the same lot, to a size less than the minimum yard, court, or open area required when new buildings of like grade are constructed.

SEC. 8. *Change of occupancy.*—No building of a higher grade of occupancy shall be converted to the use of a building of a lower grade of occupancy, except as provided in section 6 of this act, unless it shall be made to conform in all particulars as to safety in structure and requirements in sanitation and health to the class to which the lower grade belongs. No building, not now in one of the grades referred to in this act, shall be converted into any such grade without conforming to all the requirements of this and other acts, and of the rules and regulations relating to such grade.

SEC. 9. *Two-family dwellings.*—All two-family dwellings, unless otherwise specifically stated in this act, shall be subject to the same requirements as dwellings.

SEC. 10. *Increase the height of buildings.*—No building of any grade referred to in this act shall be increased in height, if it is situated on a rear lot, alley, court, street, or other passageway 20 feet or less in width.

SEC. 11. *Light.*—Whenever the windows of a building used for human habitation receive their light from a yard, alley, court, or passageway, the line of which is formed by a fence 6 feet or over in height, wall or building 5 or less feet distant, such fence, wall, or building, facing such yard, alley, court, or passageway, shall be whitewashed or painted white, and shall be maintained in such condition so as to reflect the maximum available light to such windows.

SEC. 12. *Windows.*—No room in any tenement, erected or converted since June 7, 1895, shall be occupied for living purposes, unless it has a window-lighting area of at least 12 square feet, the upper half of which surface shall open fully. At least one window, or windows, of required area shall open directly upon a street, yard, or open area not less than that provided for in section 6 of this act. No room in any other building of the grades referred to in this act shall be occupied for living purposes, unless it has a window, or windows, of an approved lighting area opening the outer air. The upper half of all such windows shall open fully.

SEC. 13. *Alcoves and alcove rooms.*—No part of any room in any building of the grades referred to in this act shall be inclosed or subdivided, in whole or in part, by a fixed or movable partition, or other contrivance or device, unless such part of the room so inclosed or subdivided shall contain a separate window as herein required for ordinary rooms, and shall have a floor area of not less than 70 square feet.

SEC. 14. *Windows in halls.*—No tenement erected prior to June 7, 1895, no dwelling converted into a tenement, no two-family dwelling or rooming house, shall be used for human habitation, unless all public halls are lighted on each floor by a window, or windows, of an approved lighting area, opening directly to the outer air, the upper half of which surface opens fully: *Provided, however,* That wherever any such public hall can not reasonably be so lighted and ventilated, translucent glass panels of at least 4 square feet shall be inserted in the wall or in the doors, or as transoms above the doors, leading to the rooms whose windows open directly to the outer air. Such halls shall have a ventilating skylight of satisfactory area in the top floor, directly over the stairway, and, where such is or may be built in, it shall be an acceptable substitute for windows, either leading to the outer air or to rooms that lead to the outer air, on the top floor. No tenement erected since June 7, 1895, shall be occupied for human habitation, unless the windows in its public halls conform to the requirements of section 3, act of assembly, June 7, 1895 (Pamphlet Laws 178): "A supplement to an act entitled 'An act amending section 1 of article 3 of an act entitled "An act for the better government of cities of the first class in this Commonwealth," approved the 1st day of June, A. D. 1885, regulating the construction, maintenance, and inspection of buildings,' approved the 8th day of June, A. D. 1893, regulating the construction, alteration, and ventilation of tenement houses, and providing for the safety of the inhabitants thereof, and providing penalties for the violation of the same." If after the foregoing provisions have been complied with, such public halls are not adequately lighted in the daytime, the owner, lessee, or conductor of such house shall keep a proper light burning in the hallways, near the stairs, as may be necessary from sunrise to sunset.

SEC. 15. *Light in public halls at night.*—In every public hall, near the stairs in a tenement or rooming house, an adequate light shall be kept lighted by the conductor from sunset till at least 10 post meridian; and in the entrance hall and the hall of the second floor above an adequate light shall be kept lighted all night. Such light shall be adequately protected by glass shade or wire screen.

SEC. 16. *Light in corridors, cellars, etc.*—Whenever it is necessary to improve the lighting of any hall, corridor, cellar, basement, or other part of a two-family dwelling,

rooming house, or tenement, used in common by two or more families, in addition to the provisions for this purpose otherwise stated in this act, the chief of the division of housing and sanitation may order the walls and ceiling, or both, to be painted or whitewashed, kalsomined or papered in white or other approved light color.

**SEC. 17. *Cellar ventilation.***—The cellar or space underneath the first floor or basement of every building used for human habitation shall, when feasible, be so ventilated as to secure a constant supply of fresh air, and when feasible shall be lighted by windows.

**SEC. 18. *Cellar and basement rooms.***—No cellar or cellar room shall be used for human habitation. No basement room in any building of the grades referred to in this act shall be used for living purposes, other than laundry, the finished ceiling of which is less than 7 feet above the finished floor level, and the walls of which are not damp proof and waterproof. Such rooms shall have a window area equal to that required in section 12, and it shall not be used for sleeping purposes unless it has along the side containing the window an open area of not less than 2 feet 6 inches wide, extending upward from not less than 6 inches below the level of the floor of such room to the surface of the street. This area shall be drained to the sewer. The tenant of a cellar room and the tenant of a basement not conforming to the above requirements, the agent and his principal renting the same, and the owner, shall each be subject to the penalties as hereinafter provided for the violations of this act.

**SEC. 19. *Sanitation.—Courts and areas to be drained.***—All courts, yards, areas, and alleys about buildings of the grades referred to in this act shall be properly graded so as to receive thorough drainage in all their parts. The chief of the division of housing and sanitation may order such spaces paved, if in his judgment it is necessary, in order to preserve a proper drainage or to maintain satisfactory sanitary conditions.

**SEC. 20. *Rain leaders.***—The rain conductors of all buildings of the grades referred to in this act shall be connected with the sewer, if there is a sewer in the street contiguous thereto, or, if there is no such sewer, as soon as such sewer is laid; but at no time shall the flow therefrom be permitted to go over the sidewalk or upon the adjoining property.

**SEC. 21. *Rain conductors not to be used as waste pipes.***—No fixture, sink, closet, or drain of any kind receiving house sewage shall empty into a rain conductor, nor discharge to a roof draining to a rain conductor.

**SEC. 22. *Houses to be sewer connected.***—Every dwelling or rooming house accessible to a sewer shall be connected therewith. All privy vaults, cesspools, and school sinks shall be removed from the premises of any dwelling or rooming house after a sewer has been laid in a contiguous street. No building shall be used as a tenement unless it is sewer connected, and all cesspools, privy vaults, and school sinks shall have been removed from the premises thereof.

**SEC. 23. *Water-closets.***—Every dwelling to which a public sewer and water main is accessible shall have a separate and independent water-closet of a type approved by the plumbing regulations of cities of the first class, thoroughly flushed at all times, in a separate and independent compartment; and all water-closets hereafter installed shall be in a separate compartment, or in a bathroom when feasible, within the dwelling, or attached thereto in such a manner that the same may be entered immediately from the dwelling. The floor and wall surface of such compartment, about and beneath, shall be maintained in good repair and cleanliness. One entrance to at least one water-closet compartment in every dwelling shall be by hall or passageway independent of a room used for sleeping purposes.

**SEC. 24. *Number and location of water-closets.***—In every rooming house there shall be at least one water-closet in a separate compartment for every four rooms or fractional part thereof, approached by an entrance independent of any living room. In each two-family house or tenement there shall be at least one water-closet contained in a separate compartment for each family occupying the premises; except that, where there are apartments of one or two rooms, there shall be at least one water-closet for each two families, located in a separate compartment on the same floor with

the apartments it is to serve—if such location is deemed feasible by the chief of the division of housing and sanitation; otherwise, it shall be a place easily accessible to such apartments. Such water-closet shall be approached by at least one entrance independent of a living room. At least one water-closet for each other apartment in such buildings shall have at least one entrance by separate hall or passageway, independent of a room used for sleeping purposes. No water-closet shall be maintained in the cellar or basement of any building, without a permit from the bureau or board of health; but under no circumstances shall the general water-closet accommodations of a rooming house or tenement be permitted in a cellar or basement.

SEC. 25. *Privies.*—Where a sewer is not accessible to a dwelling there shall be a privy vault located in the yard thereof, and constructed in accordance with the laws, ordinances, and rules of the bureau or board of health relating thereto. Such privy vault shall be cleaned to the bottom whenever the contents come within 3 feet of the level of the ground outside, or within 3 feet of the floor of the privy house, if such floor is below the level of the surrounding ground, and shall be corrected with lime by the tenant or occupant of the property whenever it becomes foul.

SEC. 26. *Water supply.*—Where water mains have been placed in a street, and there is sufficient pressure to permit same, water shall be introduced, and be capable of being drawn in full supply in every dwelling, and in every apartment of two or more rooms in a two-family house, and in a tenement: *Provided*, That in sparsely populated districts where there is a well upon the premises, and the water therefrom is standard purity required by the board of health, such well may be considered an acceptable substitute for water in dwellings. When one or more apartments consist of but one room, there shall be at least one source of water supply, in an easily accessible place, for every two such apartments. In all rooming houses water shall be introduced, and be capable of being drawn in full supply, in an accessible place on each floor: *Provided*, That where less than three rooms are on each floor of a rooming house, water may be introduced on every alternate floor. Wherever a water fixture is introduced a sink, and suitable drain properly trapped leading from it, shall also be installed. No such sink in a tenement shall be inclosed with any woodwork. No house, wherever located, shall be occupied as a tenement, unless water is installed in each apartment as provided above.

SEC. 27. *Plumbing.*—All plumbing, water-closets, and the compartments in which they are located, pipes and other like fixtures in dwellings, rooming houses, and tenements, shall be installed and maintained, unless otherwise provided for in this act, in accordance with the plumbing regulations of the cities of the first class. All openings around such plumbing fixtures, pipes, and like facilities and appliances, shall be sealed or made air-tight with plaster, and all defects, obstructions, or leakage emitting or liable to emit gas, sewer air, or excrement of any kind, liquid or solid, shall be repaired and kept tight.

SEC. 28. *Cellars to be damp proof and waterproof.*—All cellars or spaces beneath the first floor or basement of buildings of the grades referred to in this act shall be damp proof and waterproof, and when, in the opinion of the chief of the division of housing and sanitation, conditions require it, they shall be concreted with good concrete and a finished surface to a depth of not less than 4 inches, and the walls shall be coated with cement or other nonpenetrable surfacing to such a depth as to prevent the incoming of water.

SEC. 29. *Occupancy—Overcrowding.*—No room in a dwelling, rooming house, or tenement, when used for sleeping purposes, shall be occupied, or be permitted to be occupied, at any one time, by more than would give to each occupant thereof who is over 12 years of age at least 400 cubic feet of air space; nor shall the owner, lessee, or conductor of any dwelling, rooming house, or tenement, or the lessee of any room or apartment therein, permit such room to be occupied in violation of the above provision. Whenever any room has been found to be overcrowded, as defined by the



foregoing, the chief of the division of housing and sanitation shall cause a tin placard to be placed upon the door of such room, stating the number of occupants the room may accommodate. Any person removing or defacing such placard shall be guilty of a violation of this act.

**SEC. 30. *Uninhabitable houses to be vacated or destroyed.***—Whenever a building of any of the grades referred to in this act, or any part thereof, for any reason whatsoever, is unfit for human habitation or is dangerous to life and health, the chief of the division of housing and sanitation shall issue an order requiring all persons therein to vacate such building, or part thereof, within not less than 24 hours nor more than 30 days after service of such notice upon the occupants; the reason thereof to be mentioned in said order, a copy of which shall be served also, at the same time, upon the last registered owner of such property, by leaving the same at the last known residence or address of such owner, or, if such address is not known, by posting the same in a conspicuous place upon such building. And it shall thereafter be unlawful to occupy, or to permit the occupancy of, such house, or any part thereof, until the chief of the division of housing and sanitation is satisfied that the dangers from said house have ceased to exist, or that it is again fit for human habitation. If, in the opinion of the chief of said division, such house can not be made fit for human habitation, he may order it removed. Written notice, containing a description of the house deemed unsafe or dangerous to health, and of the premises upon which it is situated, requiring the same to be removed, shall be duly given to the owner or owners, or one of them: *Provided, however,* If the owner or owners, or one of them, can not be found, then the notice may be given to the agent in charge of the said property or to an occupant thereof, or, if the premises are vacant, then by posting the notice conspicuously on said premises.

Such notice shall require the owner or owners, or some one on his or their behalf, to certify within three days to the chief of said division his or their assent or refusal to remove the building. If the owner or owners, or some one with authority on his or their behalf, shall, within the time aforesaid, certify his or their assent to the removal of said insanitary, unsafe, or dangerous building, premises, or structure, he or they shall be allowed not less than 24 hours, nor more than 30 days, following the giving of notice of such assent, in which to commence the removal of the same; and he or they shall employ sufficient labor and assistance to remove the same expeditiously. Upon his or their refusal or neglect to comply with any of the requirements of said notice, a further notice shall be given, in like manner, to the person theretofore notified; or, if the person to be served can not be found, such notice shall be posted conspicuously upon said premises; stating that a survey of the premises named in the said notice will be made under the direction of the chief of the bureau of health, the chief of the bureau of building inspection, and the chief of the bureau of surveys, at the time and place therein stated, which time shall not be less than 24 hours nor more than 3 days from the time of the service of said second notice as aforesaid; and the said chiefs shall constitute a board of survey for the purpose, and shall perform the survey within the time stated, and report with promptness and dispatch. In case a majority of said board, after such survey, shall report the building unfit for human habitation, the same shall thereby be condemned, and notice thereof served on the owner in the same manner as is hereinbefore provided for service of notice of survey. If the owner shall fail to proceed as expeditiously as is possible to remove the said building, within 10 days of the service of such notice, the same shall be removed by the chief of the division of housing and sanitation, and a lien for the cost of such removal shall be filed therefor, and collected as municipal claims are now or may hereafter be by law a lien and collectible, or as provided for in section 55 of this act.

**SEC. 31. *Wall paper.***—Whenever the paper on the ceiling or walls of a room in any building of the grades referred to in this act has become loosened, so as to collect and

hold dust, the same shall be removed, the walls thoroughly cleansed, and new wall paper, kalsomine, paint, or other satisfactory substitute shall be put on. No wall paper shall be placed upon the walls of a room, where there has been a case of contagious or infectious disease, until all paper thereon has been removed and the walls thoroughly cleansed by some satisfactory disinfectant.

SEC. 32. *Animals and fowls in buildings.*—No horse, cow, calf, swine, sheep, or goat shall be kept or slaughtered in a dwelling, rooming house or tenement or any part thereof; nor shall any other animal or fowl deemed objectionable by the chief of the division of housing and sanitation be kept or slaughtered in any such building; nor shall any of the aforesaid animals or such fowl be kept in the yard of any such building, or the lot thereof, or the property adjoining, without the person desiring to keep the same, first having obtained a permit from the bureau or board of health. Application for such permit shall be accompanied by a fee of \$1; and such permit, when granted, shall expire not later than the calendar year for which it is issued. Whenever, by reason of the congestion of buildings or people in any area, the presence of such animals or such fowls shall be deemed by the bureau or board of health prejudicial to health, or a common nuisance, it may refuse to issue any such permit for any property within said area.

SEC. 33. *Storage of certain goods forbidden.*—No dwelling, rooming house, or tenement, or any part thereof, occupied as such, shall be used as a place of storage, keeping, or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers, or rags, or for any matter or thing dangerous or detrimental to health or life, except as hereinafter provided; nor shall any such building, or any adjacent or contiguous property receive, store, or keep dung or manure of any kind, except a stable, where such cleanings from the stalls may be stored, for a period of not longer than seven days, in a water-tight sanitary bin, built wholly inside the building line of the property upon which it is situated: *Provided*, That in sparsely populated districts such stable cleanings may be kept for a longer period, if kept according to rules and regulations governing the same established by the board of health, and for this purpose the board of health shall be and is hereby empowered to establish such rules and regulations.

SEC. 34. *Manufacturing in houses.*—No part of any dwelling, rooming house, or tenement shall be used by the tenant, members of his family, or others, for manufacturing purposes, or for other than domestic work, without a permit from the bureau or board of health, and the permit, when issued, shall expire not later than the calendar year for which it is issued. No such permit shall be granted if such use would create dust, foul odors, or undue noise, liable to affect injuriously the health or comfort of the tenants, occupants, or neighbors, or for any reason would affect injuriously the health and safety of those engaged in such manufacturing or other work. The permit may be revoked by the bureau or board of health at any time, for the same reason for which it may refuse to issue same. No such room or rooms, when used for manufacturing purposes, shall be occupied at any one time by more persons than would give to each occupant at least 400 cubic feet of air space.

SEC. 35. *Janitor.*—In a tenement house occupied by six or more families in which the owner or conductor does not reside there shall be a janitor, housekeeper, or other responsible person, who shall reside in said house and have charge of the same if the chief of the division of housing and sanitation shall so require.

[Sections 36 to 40, inclusive, relate to fire escapes and the prevention of fires.]

SEC. 41. *Maintenance—Cleanliness.*—The occupant or tenant of every dwelling and of each apartment in a two-family dwelling, the lessee of every rooming house, and the conductor of every tenement, shall keep the same and every part thereof, and the yards and courts and shafts exclusively belonging thereto, free from all accumulations of dirt, filth, garbage, or other refuse matters. The owner of every such building, when notified by the chief of the division of housing and sanitation, shall see that every part thereof, and all cellars, halls, passages, walls, areas, yards, courts, and

spaces appurtenant thereto, are kept free from all accumulations of dirt, filth, garbage, or other refuse matters. Any person who shall cause or permit any filth, refuse, or perishable matter to be cast into a shaft, court, or area or yard in or about such building, or shall commit any other nuisance in or about such building, shall be subject to a fine as hereinafter provided for violations of this act.

SEC. 42. *Garbage and ash receptacles.*—Every owner or tenant occupying a dwelling or an apartment in a two-family house, the lessee or conductor of every rooming house, and the conductor of every tenement house, shall provide for each apartment under his supervision a suitable nonabsorbent, nonleakable, covered receptacle for garbage. He shall provide a receptacle of an approved standard for ashes. No receptacle, either for garbage or ashes, shall be filled to within 2 inches of the top. All tenants or occupants of buildings of the foregoing classes shall securely bundle all rubbish, waste paper, and like refuse, in such manner as to prevent it from causing a nuisance upon the property or upon the street when the collectors are taking it away. No garbage chutes shall be constructed, maintained, or used within or about any of the above-mentioned grades of houses. Contractors or others removing refuse or other waste from such premises shall so handle it as to prevent it from escaping or becoming a nuisance on or to other properties or the public street.

SEC. 43. *Repairs.*—Every building of the grades referred to in this act, and all parts thereof, shall be kept in good repair and the walls damp proof. All rain water shall be so drained and carried from such building as to prevent its dripping to the ground, or causing dampness in the walls, ceilings, yards, courts, or other areas, or in those adjoining properties.

SEC. 44. *Bureau or board of health to make rules.*—It shall be the duty of the bureau or board of health, and it is hereby empowered, to make such additional rules and regulations governing the use, occupancy, and sanitation and maintenance of the buildings of the grades referred to in this act, the ground surrounding the same, and of unoccupied lands as may from time to time be deemed necessary. All such rules and regulations shall be promulgated by advertising, three times each in two newspapers published in cities of the first class, notice that such rules and regulations have been adopted, and where copies thereof may be had. Such rules and regulations shall be printed, and shall be furnished free, upon application, by the bureau of health.

SEC. 45. *Provisions for enforcing the act—Licenses.*—On and after January 1, 1914, no building shall be occupied or permitted to be occupied as a two-family dwelling, rooming house or tenement unless the owner or lessee of such two-family dwelling or rooming house or the conductor of such tenement shall have first applied for and obtained the required license as hereinafter provided, which license shall expire not later than the end of the calendar year for which it was issued, irrespective of the date of its issuance, and shall not be transferable. Whenever the interest of such licensee in the property for the occupancy of which the license was issued shall cease, or the property shall have been brought within one of the other grades herein mentioned by reason of a change in use or construction, said license shall immediately become void: *Provided, however,* That upon the death of the licensee the license shall nevertheless be valid for a period of 30 days from the date of such death, in favor of his legal representative or of the person to whom the house passes by law, but in no case shall such 30 days extend said license beyond the end of the calendar year for which it was issued.

SEC. 46. *Applications.*—Every application for any of the licenses required by this act shall be in a form approved by the bureau or board of health, and shall state the name and address of the applicant, the nature and extent of his interest in the property for which the license is desired; and, if the applicant is not the owner or agent thereof, then the application shall also state the name and address of the owner or his agent, the location of the building, the use to which it is to be put, whether a two-family dwelling, rooming house, or tenement, and the number of rooms to be occupied,

together with such other information as may be required by the said bureau or board; and it shall be accompanied by a fee of \$1 for each such two-family dwelling, \$2 for each rooming house, and for a tenement such fee shall be \$1 for each apartment that is occupied, which fee shall cover the cost of the investigation.

SEC. 47. The chief of the division of housing and sanitation and his duly accredited inspectors shall have the right, and are hereby empowered and directed, to enter and examine at all reasonable hours all houses or other premises which come within the provisions of this act. Such inspectors when making such inspections shall wear a prescribed uniform, and shall exhibit a suitable badge, to be provided by said division, for their further identification. No person shall refuse, or cause to be refused, to the said chief or to any duly authorized and uniformed inspector of such division, after he shall have exhibited his said badge, admittance to such house, other building, or premises; nor shall any person in any way hinder such chief or any such inspector or inspectors in the performance of his or their duty as herein provided.

SEC. 48. *Granting licenses.*—The bureau or board of health shall, without further charge, grant to the applicant an occupancy license for the occupancy of the two-family dwelling, rooming house, or tenement mentioned in the application, and which shall have been found, after a thorough inspection, to comply in all respects with the provisions of this act and of all laws, ordinances, rules, and regulations applicable to such building, and the use to which it is intended to be put.

SEC. 49. *What licenses shall specify.*—Each license shall clearly specify the name and address of the person to whom it is issued; and, in addition, if such person is other than the owner, the name and address of such owner, and of his agent, if any; the location of the building, whether it is to be used as a two-family dwelling, rooming house, or tenement; the number of rooms and the maximum number of occupants for each sleeping room, and the date of the expiration of the license.

SEC. 50. *Record of licenses.*—The bureau or board of health shall keep a public record of all licenses issued under the provisions of this act. The original application shall be preserved for a period of one year, and shall be open to examination by the public, without charge, during business hours.

SEC. 51. *Revocation of licenses.*—The bureau or board of health shall have the power to revoke any license, if the person to whom the license has been granted has violated any of the provisions of this act, or of the laws, ordinances, and rules of the bureau or board of health.

SEC. 52. *Appeals.*—Any person whose application for a license has been refused, or whose license has been revoked, shall have the right to appeal, within 15 days, to the court of common pleas of the proper county: *Provided, however,* That such appeal shall not operate to supersede any decision of the chief of the division of housing and sanitation pending the entry of a final order by said court, unless said appeal is directed to operate as a supersedeas by said court, at a preliminary hearing to be held at the time and in the manner provided by its rules for application for preliminary injunctions.

SEC. 53. *Unlawful to own and occupy, or to rent, certain houses without a license.*—On and after the 1st day of January, 1914, it shall be unlawful for any person to let, rent, lease, to be occupied, or conduct, any two-family, rooming house or tenement, in any city of the first class, unless he has secured a license therefor as hereinbefore provided, and unless he at all times displays it in a conspicuous place upon the wall within, and close to the outer entrance to, the house mentioned in said license.

SEC. 54. *Penalties for violation.*—Any person who shall violate any of the provisions of this act, or of any reasonable rule or regulation of the bureau or board of health authorized by this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$5 or more than \$50, for the first offense; for a second or subsequent offense, by a fine of not less than \$25, or more than \$200, or by imprisonment for not more than 60 days, or by both, at the discretion of the court; and when-

ever any person shall have been notified by the chief of the division of housing and sanitation, or by the service of a summons in a prosecution, that he is violating such provision, he shall be punished by like penalties, in addition, for each and every week that such violation shall have continued after such notification or service of summons.

SEC. 55. *Service of notice and order.*—Whenever notice is given requiring compliance with the provisions of any section of this act, the same shall be served upon the person required to make such correction, or his agent, unless otherwise hereinbefore provided, by mailing a copy to the residence, if known, of such person or his agent, and on the same day by posting a copy in a conspicuous place upon the premises affected, which notice shall not be removed or defaced while the condition mentioned therein exists. All such notices shall be complied with within five days after posting the same upon the premises affected, and upon failure to do so the bureau or board of health may contract to have the necessary work done, and the costs thereof shall be made a lien against such property and collectible in like manner as now provided by law: *Provided, however,* That if there shall be no funds at the disposal of such bureau or board for the aforesaid purpose, then the bureau or board may contract to have such work done, and the lien therefor shall be marked to the use of the contractor doing the work and shall be collectible by such contractor as is now provided by law in similar cases.

SEC. 56. *Enforcement—Private prosecution; procedure.*—Any person shall have the right to institute prosecution for violations of this act by stating, upon oath or affirmation, the facts alleged as a violation: *Provided,* That any person other than a public officer who shall institute a prosecution which shall fail to result in a conviction shall be liable for the costs of such prosecution, if, in the opinion of the court, there shall not have been reasonable grounds for instituting the prosecution.

SEC. 57. Should any part of this act be construed to be invalid or unenforceable, the remaining parts of the act so far as they are valid or capable of enforcement shall stand, with the same force and effect as if the parts found to be invalid or unenforceable had been omitted.

SEC. 58. *Other acts repealed.*—All acts, or parts of acts, inconsistent with this act, be, and the same are hereby, repealed; but no such acts, or parts of acts, shall be considered as inconsistent with this act merely because its provisions, or any of them, cover or relate to the subject or subjects of this act, if it does not conflict with or interfere with the enforcement of any of the provisions of this act.

#### Marriage—Prohibited in Certain Cases—Licenses. (Act 458, July 24, 1913.)

SECTION 1. *Be it enacted, etc.,* That no license to marry shall be issued except upon written and verified application to the clerk of the orphans' court. Such application shall contain a statement of the full Christian name and surname, color, occupation, birthplace, residence, and ages of the parties; whether the marriage contemplated is the first, second, or other marriage; and that neither of the contracting parties is afflicted with a transmissible disease; together with the full Christian name and surname, residence, color, occupation, and birthplace of their parents, including the maiden name of the mother; together with such other facts as may be necessary to determine whether any legal impediment to the proposed marriage exists. Such application shall be recorded by the clerk, together with the license and certificate of marriage, in a book provided for that purpose, which book shall be a public record.

SEC. 2. Applications for license to marry shall be uniform throughout the State; and it is hereby made the duty of the State department of health to furnish a form therefor to the several clerks at once upon the approval of this act: *Provided,* That said State department of health may revise said forms, so furnished, from time to time, as may be advisable.

SEC. 3. No license to marry shall be issued where either of the contracting parties is an imbecile, epileptic, of unsound mind, or under guardianship as a person of